HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 920 of 2004 (MS)

Ramesh Chjandra Maurya ..... Petitioner

Versus

District Judge, Dehradun &
another ..... Respondents

Sri Ram Ji Srivastava, Advocate for the petitioner
Standing counsel for the respondents.

Dated: 27.9.2004

Hon. Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for a writ of mandamus commanding the Civil Judge to decide O.S. No. 417 of 1984 Smt. Krishana Devi & others vs. Ramesh Chandra Maurya after hearing the parties on merits. Further prayer has been made for quashing the orders dated 22.5.2004 and 3.8.2004.

A perusal of the record shows that the petitioner has already preferred an appeal against the grant of restoration application. Since the appeal against the restoration is already pending no interference is required in the present writ petition.

The appellate Court is directed to decide the application for restoration within a period of one month. However, the

execution of the ex parte decree shall remain stayed till the pendency of the restoration application.

Subject to the aforesaid observation, the writ petition is disposed of . No order as to costs.

(Rajesh Tandon J.)

27.9.2004
*Dhyani